

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

GERI BACHMAN,

Plaintiff,

vs.

HICKMAN MILLS C-1 SCHOOL DISTRICT,
AND

YAW OBENG AND DERRICK JORDAN, SR.,
IN THEIR OFFICIAL AND PERSONAL
CAPACITIES,
AND

CAROL GRAVES, BYRON TOWNSEND,
ANN E. COLEMAN, IRENE C. KENDRICK,
BETH BOERGER, AND BRANDON WRIGHT
IN THEIR OFFICIAL CAPACITIES AS
DIRECTORS OF THE BOARD OF
EDUCATION,

Defendants.

Case No. 4:23-cv-00931-FJG

DEFENDANTS' MOTION TO DISMISS

COME NOW Defendants, Hickman Mills C-1 School District, Yaw Obeng, Derrick Jordan, Carol Graves, Byron Townsend, Ann E. Coleman, Irene C. Kendrick, Beth Boerger and Brandon Wright, and pursuant to Federal Rule of Civil Procedure Rule 12(b)(6), hereby moves this Court to dismiss Plaintiff's Complaint for failure to state a viable claim. Defendants state as follows:

1. Counts I, II, and IV fail to state a claim because the alleged speech was not protected by the first amendment.

2. Counts III, IX and X fail to state a claim because adhering to anti-discrimination policies is not an infringement upon religion.

3. Count V fails to state a claim because as a matter of law the District did not engage in religious discrimination.

4. Plaintiff's claims against defendants Jordan and Obeng fail to state a claim because individuals cannot be liable under Title VII.

5. Count VI fails to state a claim because plaintiff has not pled she engaged in any protected activity under Title VII.

6. Counts VII and VIII fail to state a claim because the MHRA is Plaintiff's exclusive state law remedy for claims against her employer and RFRA does not apply to Defendants or to the directive.

7. All claims against Defendants in their official capacities fail to state a claim because they are redundant.

8. Count X should be dismissed based on qualified immunity.

In further support of this Motion, Defendants incorporate as if fully set forth herein their Suggestions in Support which is contemporaneously filed herewith.

WHEREFORE, Defendants, Hickman Mills C-1 School District, Yaw Obeng, Derrick Jordan, Carol Graves, Byron Townsend, Ann Coleman, Irene C. Kendrick, Beth Boerger and Brandon Wright, pray this Court for an Order dismissing all counts in Plaintiff's Complaint under Rule 12(b)(6) and for any such further relief as the court deems just, fair, and proper.

Respectfully submitted,

**FISHER, PATTERSON, SAYLER & SMITH,
LLP**

/s/ Paul F. Gordon

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing was filed via the ECF Filing system on April 1, 2024, which will send notice to:

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